

# Legislative Analysis



## MEDICAL ALERT PROGRAM FOR MISSING SENIORS

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**House Bill 4819 (Substitute H-1)**

**Sponsor: Rep. Mark Meadows**

**Committee: Senior Health, Security, and Retirement**

**Revised Summary**

**Complete to 10-11-07**

### A REVISED SUMMARY OF HOUSE BILL 4819 AS REPORTED FROM COMMITTEE

The bill would create the "Mozelle Senior Medical Alert Act" as the official response to reports of "missing seniors" (60 years of age and older), provide for the broadcasting or publishing of information about such incidents, and offer certain civil immunity. More specifically, the bill would do all of the following:

Missing Senior. The bill would define "missing senior" as a resident of the state who is at least 60 years of age, who is reported missing by a person familiar with the missing senior, and who is believed to be incapable of returning to his or her residence without assistance. The bill would define a "person familiar with the missing senior" as that person's guardian, custodian, or guardian ad litem, or an individual who provides the senior with home health aid services, possesses a health care power of attorney, or has proof that the missing senior has a medical condition.

Notification, Report Preparation and Investigation. A law enforcement agency that receives notice of a missing senior from a person familiar with the missing person would be required to prepare a report. The report would include the physical description of the missing senior; the date, time and place last seen; the last known address; any information gathered by a preliminary investigation if one was made; and a statement by the law enforcement officer in charge setting forth an assessment of the case based upon the evidence and information received.

The law enforcement agency would be required to prepare the report as soon as practicable but no later than five hours after receiving notification of a missing senior. The law enforcement would also be required to begin an investigation concerning the missing senior as soon as possible after receiving the missing senior report notification.

Report Distribution. Upon completion of the report, the law enforcement agency would be required to immediately forward contents of the report to all enforcement agencies with jurisdiction in the location where the missing senior resides and was last seen, all law enforcement agencies that request a copy of the report, and all law enforcement agencies as requested by the person who made the missing senior notification—if the request is determined to be reasonable by the law enforcement agency.

Media Publication. After forwarding the contents of the report to a broadcaster or newspaper, the law enforcement agency could request the broadcaster or newspaper notify the public that there is a senior medical alert and to broadcast or publish a description of the missing senior and other relevant information that would assist in locating the individual.

Media Immunity. A broadcaster or newspaper that notifies the public of a senior medical alert and broadcasts or publishes the public information, and any information that would assist in locating the missing senior, is immune from civil liability for an act of omission related to the broadcast or publication. However, civil liability would not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

Missing/Found Senior Notification. A person familiar with the missing senior who notifies a law enforcement agency concerning a missing senior would also be required to notify the law enforcement agency when that person becomes aware that the missing senior has been found.

## **FISCAL IMPACT:**

The bill would have an indeterminate impact on state and local governments. Law enforcement agencies may experience various administrative costs for preparing and issuing the reports, and other resources may be needed in investigating the incidents and attempting to locate the missing persons.

## **BACKGROUND INFORMATION:**

The bill is aimed at addressing the problem of elderly persons who wander away from home, are missing, and are believed by those who know them to be incapable of returning home without assistance. The bill is named for a woman from southwest Detroit who died from exposure and lack of medicine in April 2005 after being missing for four days. The bill aims at setting up a special alert system so that those close to elderly missing persons could involve both the police and the news media in the search.

Written testimony provided by the Elder Law and Disability Section of the State Bar of Michigan to the House Committee on Senior Health, Security, and Retirement, while supporting the concept behind the bill, recommended dropping the age requirement and applying the bill to all vulnerable adults (a term defined in the Michigan Penal Code); expanding the list of those who can make reports, in order to include anyone in close regular contact with the missing person; and requiring that law enforcement take appropriate action once the missing person is found.

## **POSITIONS:**

The Michigan Commission on Law Enforcement Standards indicated support for the bill. (10-9-07)

The Elder Law and Disability Rights Section of the State Bar of Michigan supports the concept of the bill. (10-8-07)

The Alzheimer's Association supports the bill. (10-9-07)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.